

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

Case No.:21-00066-ESL

LIZETTE ALEJANDRO PENA,

Chapter 13

Debtor.

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**CHAPTER 7 TRUSTEE'S MOTION TO HOLD IN ABEYANCE OR VACATE
CONVERSION TO CHAPTER 13**

To the Honorable Court:

Comes Now, Noreen Wiscovitch-Rentas, Chapter 7 Trustee, and respectfully requests the Court to hold in abeyance or vacate the Conversion of this case to Chapter 13, and in support, states:

1. The Chapter 7 Continued 341 Meeting of Creditors in this case was held yesterday, July 22, 2021 at 2:00 pm. The Meeting was not concluded, but continued to August 19, 2021 at 3:30 pm.
2. Minutes before calling the 341 Meeting, at 1:26 pm to be exact, the Debtor files a 15 page Motion to Convert to Chapter 13 (hereinafter "The Motion" or Motion) (with exhibits including a three page sworn statement under penalty of perjury of an individual in possession and taking property of the Bankruptcy Estate). The Motion failed to include negative language as required by Local Bankruptcy Rule 9013-1(c).
3. The Motion was granted today at 12:00:39; that is, less than 24 hours after its filing. The Trustee nor any creditor nor party of interest was given a reasonable opportunity to review and respond to the Motion to Convert to Chapter 13.

4. Given the history of this case, and alleged Debtor's false or misleading testimony at the initial 341 Meeting of Creditors (See Motion to Convert), the Court should evaluate if the request for conversion to Chapter 13 was made in bad faith.
5. In addition, Yesterday, the Debtor (and for the third time) changes Schedules A/B, C, I and J, (at 1:05 pm) also files an amended Means Test (at 4:13 pm). No proposed plan was filed. It was impossible for the undersigned Trustee to review these changes in such a short notice prior to the meeting of creditors, in particular the day she is scheduled to have meetings for other pending cases, which were both scheduled before and after the Debtor's 341 Meeting.

WHEREFORE, the Trustee respectfully requests for the conversion to Chapter 13, be set aside or held in abeyance, for such period as necessary to give proper notice and for the Court to determine if the Motion to Convert to Chapter 13 was filed in Bad Faith.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Debtor's counsel, Jesus E. Batista Sanchez at hjeb@batistasanchez.com to Debtor, Lizette Alejandro Pena, at her mailing address of Paseos de la Ceiba, 182 Calle Arce D2, Juncos, PR 00777 on this 23rd of July, 2021.

/s/ Noreen Wiscovitch-Rentas
NOREEN WISCOVITCH-RENTAS
CHAPTER 7 TRUSTEE
PMB 136
400 Kalaf Street
San Juan, Puerto Rico 00918
Tel. (787) 946-0132
E-mail: noreen@nwr-law.com